

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room A  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR  
MONDAY, JANUARY 7, 2013**

**I. CALL TO ORDER**

Supervisor Kenneth Fletcher called the meeting to order at 6:00 p.m.

**II. OPENING CEREMONIES – Pledge of Allegiance**

**III. ROLL CALL**

Members Present: Trustees Karen Mojica, Jeff Hicks, Treasurer Pizzo, Clerk Clark, Dennis Fedewa, Doug Kosinski, and Supervisor Fletcher

Members Absent:

Others Present: Community Development Director Mark Graham, Lt. Jeff Campbell, IT Administrator Dave Marquette, Utilities Director Tom Morrissey, Township Manager Richard Watkins, and Deputy Manager Jenny Roberts

**IV. PRESENTATIONS AND PROCLAMATIONS - None**

**V. SET/ADJUST AGENDA**

TREASURER PIZZO MOVED THAT THE AGENDA BE APPROVED WITH THE ADDITION OF ITEM #7, "BOARD COMMITTEE APPOINTMENTS", UNDER ITEMS OF BUSINESS, AND "IT REPORT AND "UTILITIES DEPARTMENT REPORT", BE ADDED UNDER COMMITTEE OF THE WHOLE.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

**VI. PUBLIC HEARINGS – None**

**VII. COMMUNICATIONS – None**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA - None**

**IX. INTRODUCTION OF ORDINANCES - None**

**X. PASSAGE OF ORDINANCES**

- 1. Amendments to the Delta Township Code of Ordinances** – Lt. Campbell recommends that the Township Board amend the text to the Delta Township Code of Ordinance that would include Section 28-94, Accosting.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD ADD SECTION 28-94, ACCOSTING, TO DELTA TOWNSHIP CODE OF ORDINANCES ARTICLE IV OF CHAPTER 28. THIS PROPOSED ORDINANCE WOULD MAKE IT A MISDEMEANOR OFFENSE TO ACCOST A PERSON FOR PURPOSES OF SOLICITING MONEY, GOODS OR OTHER ITEMS OF VALUE. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENT IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE FEDEWA, TRUSTEE HICKS, TRUSTEE KOSINSKI, TRUSTEE MOJICA, CLERK CLARK, AND SUPERVISOR FLETCHER

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0

**ORDINANCE NO. 12-71**

AN ORDINANCE OF THE CHARTER TOWNSHIP OF DELTA, EATON COUNTY, MICHIGAN PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF DELTA, MICHIGAN, BE AMENDED BY AMENDING IN ITS ENTIRETY SECTION 12-5 ("ACCOSTING") TO ARTICLE I ("IN GENERAL") OF CHAPTER 12 ("OFFENSES") DEFINITIONS; TO MAKE UNLAWFUL BEGGING; PANHANDLING; SOLICITING; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE HEREOF. THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF DELTA HEREBY ORDAINS:

1. Article IV ("In General") of Chapter 28 ("Offenses") is hereby amended in its entirety as follows:

**SECTION 28-94 ACCOSTING.**

Any person who violates this Section shall be guilty of a misdemeanor subject to imprisonment and a fine as established by Township Resolution.

A. The following words, terms, and phrases shall, for the purposes of this section, have the following meanings:

- 1) Accosting means impede or obstruct the passage of pedestrians, or approach or speak to someone in a manner as would cause a reasonable person to feel intimidated, harassed, threatened, or to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession, while seeking money, food or items of value or sexual relations.
- 2) Public place means governmental owned property, to which the public has access, including but not limited to: any alley, public restroom/toilet facility, sidewalk, street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

B. It shall be unlawful for any person to:

- 1) Accost another for money, food or other things of value in or on private property;
- 2) Accost another in or on a public place; and:
  - (a) In any public transportation vehicle, such as a bus or train, nor where such a vehicle accepts or releases passengers, nor at any bus stop or taxi stand;
  - (b) At any transit, transportation center, or bus station;
  - (c) In any public parking lot or structure, including parking ramps, or public buildings, including under any open-air structure;
  - (d) At any entrance or exit from any public restroom/toilet facility;
  - (e) At any entrance or exit of a bank, credit union, or an automated teller machine (provided that when an automated teller machine is located within another structure, such distance shall be measured from the entrance or exit of that structure);
  - (f) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of a disabled vehicle;
  - (g) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility;
  - (h) At any entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility;

- (i) After sunset nor before sunrise;
- (j) In an aggressive manner; (i) accost or follow a person intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value; (ii) continue to accost from a person after the person has refused such advance or provided a negative response to such conduct; (iii) intentionally touch or cause physical contact with another person without that person's consent; (iv) intentionally block or interfere with the safe or free passage of a person or vehicle by any means; and (v) use violent, profane, or threatening gestures or language toward a person, before, during, or after the act of solicitation.

C. Exceptions. Persons duly authorized or licensed pursuant to Township ordinance.

## **XI. CONSENT AGENDA**

TRUSTEE HICKS MOVED THAT THE CONSENT AGENDA BE APPROVED WITH THE REMOVAL OF THE DECEMBER 10, 2012 COMMITTEE OF THE WHOLE BOARD MEETING MINUTES.

TREASURER PIZZO SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE HICKS, TREASURER PIZZO, CLERK CLARK,  
TRUSTEE MOJICA, TRUSTEE KOSINSKI, TRUSTEE  
FEDEWA, AND SUPERVISOR FLETCHER

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

## **2. Bills & Financial Transactions - \$2,651,165.33**

TRUSTEE HICKS MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS BE APPROVED IN THE AMOUNT OF \$2,651,165.33.

Bond/Debt Payments	\$
Investments	\$
Payroll & Related	\$ 819,833.63
Refunds	\$ 38,783.05
Tax Distributions	\$1,390,569.59
Vendor Claims	\$ 401,979.26

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

**3. Minutes – December 17, 2012 Regular Board Meeting Minutes**

TRUSTEE HICKS MOVED THAT THE DECEMBER 17, 2012 REGULAR BOARD MEETING MINUTES BE APPROVED AS PRESENTED.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

**XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION**

December 10, 2012 Committee of the Whole Board Meeting Minutes.

TRUSTEE FEDEWA MOVED THAT THE DECEMBER 10, 2012 COMMITTEE OF THE WHOLE MEETING MINUTES BE AMENDED SO THAT THE WORD “RAD” BE CHANGED TO THE WORD “READ” CONTAINED IN THE MOTION TO EXCUSE TRUSTEE MOJICA DUE TO THE FACT THAT SHE WAS AWAY ON MILITARY DUTY.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

**XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA - None**

**XIV. ITEMS OF BUSINESS**

- 4. Delegation Agreement for Fireworks Inspections** - The Manager's Office recommends that the Township Board approve the agreements to perform fireworks inspections within Delta Township, as well as within Eagle and Watertown Townships.

CLERK CLARK MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA HEREBY APPROVE THE AGREEMENTS TO PERFORM FIREWORKS INSPECTIONS WITHIN DELTA TOWNSHIP, AS WELL AS WITHIN EAGLE AND WATERTOWN TOWNSHIPS.

Trustee Hicks recognized the fact that the State's delegation agreement contained several errors and that the motion passed by the Board this evening was with the understanding that the Township would request that the errors be corrected.

Mr. Watkins said he had suggested that the Board pass the agreement as written in order to meet the State's deadline with the understanding that the Township would send a cover letter to the Michigan Department of Licensing & Regulatory Affairs outlining the Township's concerns and a request to correct the agreement.

TREASURER PIZZO SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 5. Set a Public Hearing to consider a Request to Transfer Location of a Resort Class C License** - The Manager's Office recommends that the Township Board set a public hearing for January 22, 2013 to consider a resolution approving the request by REB & Co., LLC (Embassy Grill) for the transfer location of a 2012 Class C & SDM liquor license located at 6131 West Saginaw Highway to 5421 West Saginaw Highway.

TRUSTEE HICKS MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA SET A PUBLIC HEARING FOR JANUARY 22, 2013 TO CONSIDER A RESOLUTION APPROVING THE REQUEST BY REB & CO., LLC (EMBASSY GRILL) FOR THE TRANSFER LOCATION OF A 2012 CLASS C & SDM LIQUOR LICENSE LOCATED AT 6131 WEST SAGINAW HIGHWAY, LANSING, MICHIGAN 48917, DELTA TOWNSHIP, EATON COUNTY, TO 5421 WEST SAGINAW HIGHWAY, LANSING, MICHIGAN, 48917, AND FURTHER THAT THE TOWNSHIP CLERK SHALL ADVERTISE SAID PUBLIC HEARING.

TREASURER PIZZO APPROVED THE MOTION. MOTION PASSED 7-0.

- 6. West Willow Highway CIPP Sewer Lining Bid Results** - The Community Development Department recommends that the Delta Township Board award the contract to Inland Waters Pollution Control, Inc. in the amount of \$107,759.70.

Mr. Watkins noted that due to a major collapse of a sanitary sewer main that occurred in the vicinity of the Willow/Canal Road roundabout and concerns with the pipe, it was recommended that lining the sewer main would be necessary to maintain the pipe.

CLERK CLARK MOVED THAT THE DELTA TOWNSHIP BOARD AWARD THE CONTRACT TO INLAND WATERS POLLUTION CONTROL, INC. IN THE AMOUNT OF \$107,759.70.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. MOTION PASSED 7-0.

**7. Board Committee Appointments**

SUPERVISOR FLETCHER MOVED THAT THE TOWNSHIP BOARD APPOINT SUPERVISOR FLETCHER AS DELTA TOWNSHIP REPRESENTATIVE ON THE TRI-COUNTY REGIONAL PLANNING BOARD, TRUSTEE HICKS TO THE ZONING BOARD OF APPEALS, AND TREASURER PIZZO TO THE EATRAN BOARD OF DIRECTORS.

Trustee Fedewa stated that after reading Michigan's Enabling Act pertaining to Zoning Board of Appeals and the appointment process, he didn't see where the statute explicitly referred to townships and that it appeared that governing bodies of cities or villages had the authority to appoint one of its members to the Zoning

Board of Appeals. Mr. Fedewa questioned whether the Board had the authority to appoint one of its members to serve on the Zoning Board of Appeals or was this right reserved only for cities and villages.

Mr. Watkins stated that this had been a practice of the Township for over 20 years and that he would have to research this matter further.

Supervisor Fletcher called on an attorney from the Michigan Township's Association in attendance this evening who indicated that the statute allowed Township Boards to appoint members of its legislative body to the zoning board of appeals as a regular or alternate member. The Attorney referred to a subsection of the statute that applied to cities and villages, but as a township, the statute was read as one regular or alternate member of the zoning board of appeals may be a member of the legislative body.

TRUSTEE KOSINSKI SUPPORTED THE MOTION. MOTION PASSED 7-0.

#### **XV. MANAGER'S REPORT**

Township Manager informed the Board of the following:

- New personal property legislation will not have an affect on the Township's budget until 2015. It appears that the initial effect of the new legislation would result in a \$50,000 reduction to the Township's budget.
- The Township received notice from the DEQ that staff within the Utility Department were now certified instructors to conduct recertification classes in-house which would be a savings to the Township.
- An informational meeting for the Huntington Woods water project would be held this Wednesday, January 9th, at 7:00 p.m. at the Administration Building.

#### **XVI. COMMITTEE OF THE WHOLE**

##### **8. IT Department Report – Dave Marquette**

IT Administrator Dave Marquette addressed the Board by pointing out that the IT department was a division of the Manager's Office and consisted of him and IT Systems Engineer Erica Gupton. Mr. Marquette provided the Board with a power point presentation that provided the Board with information on the different information systems the Township used, how those systems operated, and the cost savings to the Township. The information systems consist of:

- IT Local Area & Wide Area Networks & Servers
- Phone Network

- Geographic Information System
- Web Presence
- Township Applications
- Mobile & Cloud Services

The information system encompassed the Township Hall, Library, the three Fire Stations, Sheriff's Annex, Utility Departments, and the Enrichment Center.

**9. Utilities Department Report – Tom Morrissey**

Utilities Director Tom Morrissey said as a follow-up to Mr. Marquette's presentation, he noted that before the Utilities Department started using the fibro optics between the different Township buildings, his department operated their own network, but since the Township had incorporated the systems, it reduced his workload tremendously.

Mr. Morrissey provided the Board with a power point presentation that illustrated pictures of the original wastewater treatment plant on Willow Highway that was constructed in 1962 and put in operation in 1965 as a 1 million gallon treatment plant. An expansion was made to the treatment plant in 1972 taking it from a 1 million gallon plant to a 4 million gallon plant. Due to continued growth in the Township, another expansion was made to the treatment plant in 1985 expanding the plant to its existing capacity to 6 million gallons. The Township was one of few in the State of Michigan that handled the disposal of its biosolids (sludge) by applying them to local farmer's fields. The Utility Department also started obtaining resident's input on the type of buffering they preferred around lift stations that were located within their neighborhood.

The Water Department was located on Willow Highway between Canal and I-496 which consisted of a 2 million gallon ground storage tank, a cold storage building for equipment, and operation building and offices. The department had four 1985 dump trucks that were still in good running condition. The operation's building contained a vehicle lift that was used to maintain all Township vehicles.

The Township had two water towers, one located on Snow Road that was built in 1965 and one on Millett that was used as a shared tower with the General Motors facility. The Township's booster station was located on Snow Road adjacent to Fire Station #3 where water purchased from the Board of Water & Light came into the Township and was diverted to the Township's distribution system. A 2 million gallon water tank was located adjacent to the booster station.



A booster station and lift station were located on General Motors property that housed pumps that could increase pressure when needed for General Motors operation.

6,810 radio read end units have been installed with approximately 2,300 units yet to be installed.

#### **General Utility Information**

- 29 full time and 1 part time employees
- 200+ miles of water main
- 2 elevated water towers
- 3 ground level water tanks
- Total water storage of 5.25 million gallons + the 2 towers
- The Township purchases water from Lansing Board of Water & Light
- 180+ miles of sanitary sewer lines
- 19 lift stations
- Plant design of 6 MGD with a peak of 13 MGD
- Storage – 5 million gallons at the plant and 650,000 at Thomas L. lift station
- First wastewater plant in the State of Michigan to receive Class “A” Biosolids Rating – less restrictions on applying
- Maintain the Township vehicle fleet (currently 65+ vehicles)
- Maintain township stand-by generators (25+)
- Currently working on Monitoring Building Alarms for our Parks and Fire Departments through our SCADA system
- Continue to work with technology to become more efficient. We have used Note/Net Books in the field the last 5 years. We have moved into Tablets the last 2 years
- The Township currently maintains 6 employees on call 24/7 to serve our residents/customers

#### **XVII PUBLIC COMMENTS**

Treasurer Pizzo said he appreciated the opportunity to serve on the Tri-County Regional Planning Commission over the past four years and the wealth of information he had learned about the transportation process.

Dave Forsberg, 321 Harpers Way, thanked the Board for the time they had given to the Gettysburg Group regarding potential development in the area. He noted that the residents were looking forward to working cooperatively with the Board and the Planning Commission in the future to achieve solutions that would benefit everyone.

**XVIII ADJOURNMENT**

Supervisor Fletcher adjourned the meeting at 7:06 p.m.

**CHARTER TOWNSHIP OF DELTA**

KENNETH FLETCHER, SUPERVISOR

MARY CLARK, CLERK

/as  
M:\Regular Board Meeting\BD\MIN\January 7, 2013  
Minutes Approved: